

May 21, 1999

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RE: Connecticut Route 82/85/11 Corridor - Section 404 Permit Application Public Notice
(PN 199702529) and Draft Environmental Impact Statement and Section 4(f) Evaluation
(FHWA-CT-EIS-98-01-D)

Dear Sirs:

This letter responds to the application for a federal permit under §404 of the Clean Water Act by the Connecticut Department of Transportation (CTDOT), and the issuance of the Draft Environmental Impact Statement (DEIS) by the Federal Highway Administration (FHWA) and CTDOT for transportation improvements in the Route 82/85/11 corridor. We submit these comments pursuant to the U.S. Army Corps of Engineers' March 2, 1999 public notice, which describes a variety of alternatives to address existing and future year (2020) safety and capacity deficiencies in the existing Route 82/85/11 project study corridor. EPA's detailed comments on both the §404 application and the DEIS are contained in the attachment to this letter. A summary of EPA's position on this project and recommendations for next steps are discussed below.

The DEIS identifies both upgrade alternatives, and full build and partial build expressway alternatives. The upgrade alternatives include options for widening existing Routes 82 and 85, as well as transportation system management (TSM) measures to improve operation of the existing roads. The expressway alternatives all involve either two lane or four lane expressways built in a largely undeveloped corridor south of Route 82 and west of Route 85. The partial build alternative is a combination of an expressway and widening of existing Route 85.

Based on information contained in the DEIS and our experience with highway projects throughout New England, it is EPA's conclusion that the upgrade alternatives appear to meet the basic project purpose and to be practicable. Furthermore, construction of any of the upgrade alternatives would result in much less adverse impact to the aquatic ecosystem than any of the full or partial build expressway alternatives. Although widening Routes 82 and 85 would cause the loss of several acres of wetlands and disturbance to the stream systems that pass under and along both routes, these adverse impacts would not be significant. Moreover, we are confident that properly designed compensatory mitigation could offset substantially the loss of ecological functions incurred. Based on all the information supplied in the DEIS, an upgrade of Routes 82 and 85 appears to represent the least environmentally damaging practicable alternative (LEDPA).

In addition, EPA believes that construction of any of the expressway alternatives contained in the DEIS would cause or contribute to significant degradation of the aquatic ecosystem. The quantity and quality of stream and wetland systems in the new expressway corridor are exceptional. The extent and mixture of upland ridges separated by stream and wetland valleys, teeming with vernal pools scattered across this landscape, are striking, especially for southeastern Connecticut. The area offers some of the finest fish and wildlife habitat remaining in southern New England. Though a few residential subdivisions and small country roads mark this area, they appear to have had limited effect on the quality of this resource and the area remains a remarkable block of habitat with mostly high biological integrity. For that reason, any of the expressway alternatives contained in the DEIS would be extraordinarily destructive to the aquatic ecosystem. Based on the information available to date, EPA believes that construction of an expressway on any of the proposed alignments would significantly and irreversibly degrade the quality of these resources. In its April 30, 1999, comment letter to you regarding this project, the U.S. Fish and Wildlife Service reaches the same conclusion.

Based on current information, the expressway alternatives would not comply with the §404(b)(1) guidelines for two independent reasons: none of them represents the least environmentally damaging practicable alternative, and they would cause or contribute to significant degradation of the aquatic ecosystem. Hence a §404 permit should not be issued for any of the expressway alternatives contained in the DEIS. If a §404 permit were to be issued for an expressway, it would be a strong candidate for an EPA veto under §404(c) of the CWA.

In light of the above and our recent discussions with local citizens, we believe only two alternatives merit further analysis and consideration. The first is a community sensitive upgrade. While the widening and other upgrade options discussed in the DEIS appear practicable, there is

substantial community resistance to an upgrade because of potential impacts on the character of the roadway and the adjacent communities. EPA would like to see an exploration of upgrade proposals that better address these community concerns. The second alternative is a parkway concept, which has been developed by a group of thoughtful, well-motivated and well-intentioned local citizens as a less damaging alternative to the various full build expressway alternatives presented in the DEIS. If the parkway concept were significantly broadened as discussed below, I believe it would be worthy of further evaluation.

With respect to the upgrade, CTDOT should provide a much more detailed and creative exploration of TSM and TDM opportunities to achieve the basic project purpose and address the socioeconomic concerns identified by the communities. According to the DEIS, the four lane widening in conjunction with TSM measures at two intersections would achieve the safety and capacity objectives of the project. CTDOT should evaluate whether more comprehensive and creative TSM and TDM strategies could be employed, and whether they alone or in combination with a two lane widening could achieve the basic project purpose in manner more sensitive to community concerns. As part of this evaluation, CTDOT should provide, among other things, a more detailed analysis of travel demographics (local versus through traffic, commuter versus non-commuter traffic, destination points, etc.); average daily and commuter rush hour versus summer peak traffic counts; and descriptions of specific problem areas.

In short, the nature of the capacity and safety issues on the existing roads needs to be more clearly defined so that strategies can be carefully tailored to address the problem. For example, if it is determined that the presence of truck traffic is causing serious user conflicts, then a TSM option of banning truck traffic, particularly during certain times of the day, should be explored. If it is determined that weekend summer peak travel is the primary cause of capacity problems, TSM and or TDM strategies should be targeted to address that specific issue. If commuter traffic between the coast and Hartford is an important component of the problem, the effect of expanded bus service on that specific problem should be evaluated. CTDOT should also expand its evaluation of options for minimizing the adverse impacts on community character that could result from road widening, and evaluate more closely what could be achieved with a two lane upgrade with TSM measures such as improved shoulders, strategic turning lanes, additional and better coordinated signalization, etc. Methods for preserving the character of the road by reducing speed limits and limiting the type or location of new development through zoning restrictions or land acquisition along the road must also be identified. Options for adding a pedestrian/bicycling lane should be explored in more detail.

The parkway proposal, as currently conceived, consists of a limited access four lane arterial road to be built along the "E" alignment, combined with a 3000 acre greenway corridor. This approach is intended to reduce the direct impacts of a new road as compared to an expressway, and to address habitat fragmentation and other indirect impacts and potential future secondary impacts by preserving identified areas of valuable habitat. The parkway alternative is not presented as an alternative in the DEIS, so there are many details about the proposal that need further development before it can be fairly evaluated. For example, questions about the size and location

of the parkway; the limits of the greenway corridor; the potential for extensive bridging and wildlife passageways and other aggressive minimization measures; the level of direct and indirect impacts; the existing threats to habitat from residential development; the viability of habitat blocks that would remain after road construction; the extent to which habitat fragmentation effects would be offset; and costs, funding sources, and methods of preservation, all need to be addressed in the context of both a full build arterial and a partial build arterial. EPA is prepared to explore this proposal in more detail, while recognizing that it will be a significant challenge to develop a proposal that could qualify for a permit. Any serious effort must include not only a greenway corridor, but also a comprehensive open space acquisition and growth management plan for the 15 town planning area (all of whom have endorsed a new Route 11 freeway), to address the severe impacts that would be caused by the road and to ensure that the landscape and natural resources outside of the greenway corridor are not sacrificed to growth spawned by the road or redirected by the greenway itself.

As I have communicated to local officials and a number of citizen leaders, I believe that the best way to proceed is to begin a collaborative, facilitated process in which representatives of federal and state agencies, the four towns, and the Southeast Connecticut Council of Governments work together to explore each of these alternatives -- the upgrade of existing roads and the parkway concept. In my judgment, CTDOT and FHWA are best suited to initiate such a process. EPA would be happy to assist in identifying one or more neutral facilitators. I suggest that the state and federal agency representatives discuss this approach and other possible approaches at the upcoming June 1 meeting at the Corps' office in Concord, Massachusetts. Ultimately, the information developed in such a process should be included in a supplemental or revised DEIS and circulated for wider public review and comment.

I hope you agree that a collaborative approach holds the greatest promise for finding a solution to the transportation safety and capacity needs identified for the area and for addressing the supplementary objectives identified by the local communities. We look forward to working with you toward that end. Please contact me if you want to discuss these comments or my proposal.

Sincerely,

John P. DeVillars
Regional Administrator

Attachment

cc: Michael Bartlett, USFWS, Concord, NH
William Lawless, COE, Concord, MA
Richard Martinez, CTDOT, Newington, CT